

REMARKS/ARGUMENTS

Claims 21-32 stand rejected as being indefinite for reasons recited in the Office Action.

Claim 21 has been amended to overcome the rejection regarding the Examiner's contention that the formula as previously written indicated that the O group was covalently bound to the metal. Claim 23 has been amended in a fashion which is believed to overcome the rejection that it recites structures of metal salts having variables not present in claim 21.

The claims with preferred embodiments have been amended to delete those embodiments. Claims 24-32 have also been amended to delete the phrase "any one of claim 21." Lastly, cancellation of claim 21 moots the rejection as to that claim.

Turning to the art rejections, claims 21-32 stand rejected as obvious over U.S. Patent 5,998,646 to Riondel (Riondel) FR. 1205366 (FR '366) in view of U.S. Patent 2,844,551 to Orthner, et al. (Orthner). The rejection is respectfully traversed. The Riondel reference discloses the reaction of a titanium metal alcoholate with an unsaturated carboxylic acid. However, Riondel does not disclose Applicant's claimed grouping of metals and more importantly, the limitation in claim 21 of "the presence of oxygen which is continuously fed so that the reaction solution is at least 50% oxygen saturated." In fact, Riondel does not disclose the presence of oxygen at all. Rather, Riondel discloses a reaction in a closed vessel at low pressures (see Example 1) where there is no mention of the introduction of oxygen.

Contrary to the teachings of FR '366, it was unexpectedly found that by steadily introducing oxygen into the reaction mixture, the tendency of the reaction product to

polymerize can be inhibited and high-purity products can be obtained. This is a surprising result, since it is commonly known that oxygen acts as a polymerization initiator.

FR '366 teaches away from the present invention. According to FR '366, oxygen is to be omitted from the reaction mixture and nitrogen should be introduced. In this respect, at the top of col. 2, it is taught that unwanted polymerization is favored due to the presence of oxygen:

La polymérisation est favorisée non seulement par des substances à réaction alcine, mais encore par l'oxygène et elle est amorcée en présence de quantités catalytiques de peroxydes ou de solvants contenant des peroxydes

Furthermore, it is expressly taught that it is advantageous to exclude any oxygen and to use an inert gas instead:

... il est avantageux d'exclure l'oxygène approprié à des fins de conservations car les pro-ou d'opérer en présence d'un gaz inerte,...

Orthner discloses a reaction of an aluminum alcoholate with carboxylic acids. However, C3 to C7 unsaturated acids are not mentioned and there is no teaching of continuously feeding oxygen to the reaction solution to obtain the 50% oxygen saturated reaction solution. Accordingly, since Orthner does not disclose reacting unsaturated carboxylic acids, the problem of obtaining unwanted side products due to polymerization is not even a consideration in Orthner. In other words, Orthner has no relevance. As noted, Orthner does not teach the importance of feeding oxygen to the reaction solution unlike the claimed process.

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The references cited do not set forth a prima facie case of obviousness. Applicant has demonstrated above that FR '366 and Orthner are of no relevance and hence, their combination with Riondel cannot cure the infirmities of that primary reference.

In view of the foregoing amendments and remarks, it is respectfully submitted that all claims are in condition for allowance, which is hereby earnestly solicited and respectfully requested.

Respectfully submitted,

/C. James Bushman/
C. James Bushman
Reg. No. 24,810

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BROWNING BUSHMAN P.C.
5851 San Felipe, Suite 975
Houston, Texas 77057-5771
Tel.: (713) 266-5593
Fax: (713) 266-5169

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